

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1629 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

ASHVINKUMAR JAYANTILAL SUTHAR

Appearance:

MR KT DAVE, APP, for Petitioner

None present for Respondent No. 1, 2, 3, 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/06/1999

ORAL JUDGEMENT

Heard the learned counsel for the petitioner.

2. The accused respondents who were chargesheeted for the offences under section 409, 468, 477 of IPC have been discharged by the learned Magistrate. The revision application against that filed by the State Government, which came to be dismissed by the Additional Sessions

Judge, on 28th August, 1995. Hence, this special criminal application before this Court.

3. It is not in dispute that the offences for which the respondents were chargesheeted had been committed in the year 1984. The criminal complaint appears to have been filed in the year 1989 and now after so many years I do not consider it to be appropriate to interfere in the matter to the extent to send the matter for trial. It is true that the matter may be serious but looking to this long delay in filing of the criminal case and thereafter this lapse of the period of about 11 years I have my own reservation whether the respondents would have sentenced by the trial court. There is all possibility that in the meanwhile the respondents who are the officers of the Government, may not all, but some of them might have been retired or may be on the verge of retirement. The delay in disposal of these matters coupled with the fact that the delay in filing of the criminal complaint, taking of the time by the trial court to decide the matter at the stage of the charge and the time consumed by the revisional court in deciding the revision application and ultimately by this Court in deciding this special criminal application, it is not a fit case where at this stage any interference has to be made.

4. The special criminal application is dismissed.
Rule discharged. Interim relief granted by this Court stands vacated.

zgs/-